

MINUTES OF THE KANSAS BOARD OF VETERINARY EXAMINERS MEETING  
WEDNESDAY, JANUARY 30, 2008, TOPEKA STATEHOUSE  
(DRAFT VERSION UNTIL SIGNED BY BOARD PRESIDENT)

This meeting of the Kansas Board of Veterinary Examiners was called to order by Board President Dr. Verle Carlson at 9:30 a.m. Dr. Carlson welcomed everyone in attendance at the meeting. In addition to Dr. Carlson, Board members Dr. Mark Olson, Dr. Richard Barta, Dr. Vern Otte, Dr. Christen Skaer, and Dr. Mary Sue Painter were also present. Also in attendance were agency staff Dr. Dirk Hanson, Larry O'Hara, Cheryl Mermis, and Board General Counsel Mary Feighny. Absent was Mr. Richard Coffelt, who had been excused from attending by Board President Carlson.

A presentation by Dr. Jay Hedrick, President of the American Association of Veterinary State Boards was added to the agenda. A motion was then made by Dr. Barta to adopt the proposed agenda for this meeting which was seconded by Dr. Olson. This motion passed on a voice vote.

Dr. Carlson asked if there was anyone present from the general public that wished to speak during the public forum for non-agenda items. No one from the general public indicated a desire to speak. President Carlson welcomed Dr. Dan Knox who was present to address the Board later during the meeting per the agenda. Dr. Carlson also welcomed Dr. Bryce Peckham who was also present.

A motion was then made by Dr. Skaer, and seconded by Dr. Barta to approve the minutes of the last Board meeting. This motion passed on a voice vote. Dr. Carlson signed the minutes as approved.

The Board reviewed their position on Senate Bill 491, legislation proposed to create a Prescription Monitoring Program (PMP). The Board affirmed that while they support creation of such a program, they believe it to be in the best interest of public health safety and welfare for veterinarians to be exempted from reporting requirements. Dr. Skaer moved to approve a proposed draft of a memorandum to Legislators requesting veterinarians be exempted from Senate Bill 491. Dr. Barta seconded the motion. This motion passed on a voice vote.

The Board also reviewed their position on recently passed legislation which retained Boards having the option to preside over administrative hearings. The members reiterated their position that they want to retain this option, and that they will oppose any new legislation which would remove this provision.

The Board next discussed the role of the non-veterinarian Board member. In light of Mr. Coffelt's indication that he will not seek re-appointment, the Board members discussed whether or not the Board would nominate an individual or individuals to the Governor's office for appointment to the Board. The Board members agreed they would bring names of possible nominees to the next Board meeting in March.

Cheryl Mermis shared information with the Board that had been presented at the AAVSB conference regarding background checks for license applicants. It was the consensus of the Board that agency staff review possible costs involved in performing such checks and report that information at the next meeting.

The Board reviewed, and discussed a proposed memorandum to be sent to all licensees regarding the mission of the Board and its position on legislation creating a Prescription Monitoring Program in Kansas. Dr. Carlson moved, and Dr. Painter seconded a motion to approve this proposed memorandum and send the memorandum to all licensees. This motion passed on a voice vote.

Dr. Carlson inquired if any Board members would be able to attend the KVMA Committees meetings in Salina on February 24<sup>th</sup>. Gary Reser, KVMA Executive Vice-President, welcomed any KBVE Board member to attend these meetings, but stated he was unaware of any specific issues the KBVE would need to address with the KVMA Committees. Mr. Reser indicated the KVMA Legislative Committee may want to know Board positions on legislation that might be introduced between the date of this meeting and the February 24<sup>th</sup> meeting. Dr. Carlson volunteered to attend the meeting as a representative of the KBVE.

Dr. Carlson asked for a Board Member to testify at the Senate Committee on Public Health & Welfare hearing relative to Senate bill 491 on Monday, February 4<sup>th</sup>. Dr. Otte indicated he would attend and testify on behalf of the Board. The Board instructed agency staff to prepare testimony to be presented and an amendment to the bill which would exempt veterinarians from reporting requirements established in the bill.

At the request of the Board, Dr. Ellen Haig appeared before the Board regarding a complaint case involving a veterinary premise for which she had agreed to serve as the operating managing doctor.

Dr. Skaer led a Board discussion regarding minimum standards for pain management in companion animals. The consensus of the Board was that pain management should be discussed in more detail at its next meeting, and a determination should be made as to whether or not the Board should adopt minimum standards for pain management in regulation. Dr. Skaer agreed to do additional research on this issue and further report during the March meeting.

Reports of case determinations and/or resolutions made since the last Board meeting were next provided by Board members who participated in the cases.

The Board next heard a report on ongoing case activity and recently received case feedback.

The Board next took up the issue of whether or not the micro-chip implant procedure constitutes the practice of veterinary medicine. Dan Knox, DVM, from AVID Microchip ID systems presented background information on micro-chipping animals and on the procedure itself. Based on the information presented and on the advice provided by legal counsel, the consensus of the Board was that micro-chipping does not constitute the practice of veterinary medicine as defined in Kansas statute. Board members did express concern that micro-chipping by inadequately trained personnel may result in adverse outcomes.

Dr. Carlson welcomed Jay Hedrick, DVM, President of the AAVSB to address the Board. Dr. Hedrick thanked the KBVE for their support of the AAVSB. Dr. Hedrick provided an update of activities of the AAVSB. Dr. Hedrick shared that some members of the KBVE are directly involved in AAVSB committees or other related activities outside their participation for the KBVE. Dr. Hedrick recommended that at a future date, a Board member from the AAVSB and a Representative from the NBE attend a KBVE Board meeting to discuss other services the AAVSB offers and to receive feedback as to services requested.

Dr. Hanson provided his Director's report of non-agenda items. Included was information regarding staff activities, and national board scores.

Board members reviewed the current procedure followed when processing complaints in which the allegations, even if assumed to be true, would not constitute any possible violation of the practice act statutes or regulations. The Board members recommended adding to the procedure currently followed the step of having the non-veterinary member also review the information before a determination is made. A motion was made by Dr. Painter to adopt this as a standard procedure of the agency. Dr. Olson seconded the motion. This motion passed on a voice vote.

Board members then reviewed the proposed dates and locations for upcoming Board meetings. They agreed the next regularly scheduled meeting of the Board will occur on March 28, 2008, and the date of the next meeting after that will be May 16, 2008. Both of these upcoming meetings will be held at the agency office in Wamego.

Having no other business to address at this time, Dr. Otte moved for adjournment. The motion was seconded by Dr. Olson. The meeting was adjourned after passing on a voice vote at 3:45p.m.